

## **REMARKS**

In view of the following remarks, the Examiner is requested to allow Claims 1-10, 26-27, the only claims pending and under examination in this application.

Claims 1, 3, 6-9 and 26 have been amended. Claim 1 has been amended to clarify what is meant by a computer-readable medium. Support for this amendment may be found throughout the specification and claims as originally filed. For instance, support may be found at page 12, lines 6 to 27. Claims 6, 7 and 26 have been amended to clarify the claim language. Claims 8 and 9 have been amended to correct their dependencies. Accordingly, no new matter has been added.

As no new matter has been added by way of these amendments, entry thereof by the Examiner is respectfully requested.

### ***Objections to the Drawings***

The drawings have been objected to because the replacement sheet for Figure 4 is not labeled as a "Replacement Sheet." Accordingly, Figure 4 has been amended to properly indicate that Figure 4 is in fact a "Replacement Sheet" for the originally filed Figure 4. Figures 1-3 have also been amended to better indicate the page numbering of the drawings.

### ***Objections to the Specification***

The specification has been objected to for various informalities. The Applicants have amended the specification. Specifically, the Applicants have amended the title and abstract of the invention so as to be more descriptive. Additionally, the Applicants have amended various paragraphs of the specification to better indicate referenced trademarks. In view of the amendments to the specification, this rejection may be withdrawn.

***Claim Rejections - 35 U.S.C. § 101***

Claims 1-10 and 26-27 have been rejected under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. Claim 1, the independent base claim from which the others depend, has been amended. In view of the amendment to Claim 1, this rejection may be withdrawn.

***Claim Rejections - 35 U.S.C. § 112, second paragraph***

Claims 6-9 and 26-27 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 6-9 and 26 have been amended. In view of the amendment to the claims, this rejection may be withdrawn.

***Claim Rejections - 35 U.S.C. § 102***

Claims 1-8 and 26-27 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Cronin et al. (US Publication No. 2006/0229824).

According to the M.P.E.P., a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. See M.P.E.P. § 2131.

The Office asserts Cronin anticipates the rejected claims because at Claim 31 Cronin discloses a computer-readable medium that includes information for decoding array information.

The Applicants contend that although the Cronin application claims priority to U.S.S.N. 08/778,794, which was filed on January 3, 1997, the subject matter of

Claim 31 was introduced into the specification on its date of filing, which was March 3, 2006. The subject matter of Claim 31 does not appear to be supported by the specification of the '794 application.

Hence, because the Office is relying on the subject matter of Claim 31 to support its position, and because the subject matter of Claim 31 constitutes new matter that was introduced into the Cronin application on March 3, 2006, which is after the Applicants' date of filing, the subject matter of Claim 31 may not be relied upon to anticipate the rejected claims. Accordingly, the Applicants contend that Cronin does not anticipate the Applicants' claims because the subject matter relied upon by the Office is not prior art to the Applicants' claims. Consequently, the Applicants respectfully request that the 35 U.S.C. § 102(b) rejection of Claims 1-8 and 26-27 be withdrawn.

### ***Claim Rejections - 35 U.S.C. § 103***

Claim 9 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cronin et al. (US Publication No. 2006/0229824) as applied to claims 1-8 and 26-27, and further in view of Cool (USPN 6,912,469).

As described above, the subject matter relied upon in Cronin for supporting this rejection does not constitute prior art to the Applicants' claims. Accordingly, because Cronin does not constitute prior art, the Applicants contend that a *prima facie* case of obviousness has not been established. Therefore, because a *prima facie* case of obviousness has not been established, the Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 9 be withdrawn.

Claim 10 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Cronin et al. (US Publication No. 2006/0229824) as applied to claims 1-8 and 26-27, and further in view of Hu et al. (US Publication No. 2004/0248287).

As described above, the subject matter relied upon in Cronin for supporting this rejection does not constitute prior art to the Applicants' claims. Because Cronin does not constitute prior art, the Applicants contend that a *prima facie* case of obviousness has not been established. Therefore, because a *prima facie* case of obviousness has not been established, the Applicants respectfully request that the 35 U.S.C. § 103(a) rejection of Claim 10 be withdrawn.

## CONCLUSION

In view of the amendments and remarks above, Applicant(s) respectfully submit(s) that all of the claims are in condition for allowance, which action is requested. If the Examiner finds that a telephone conference would expedite the prosecution of this application, please telephone John Brady at (408) 553-3584.

The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-1078, order number 10040012-1.

Respectfully submitted,

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Enclosure: Replacement Drawing – FIGS. 1-4

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**AMENDMENTS TO THE DRAWINGS**

The attached replacement sheets of FIGS. 1-4 include changes to FIGS. 1-4. These sheets, which include FIGS. 1-4, replace the original sheets that include FIGS. 1-4.

The replacement sheets including FIGS 1-3 have been amended to clarify the page numbering. Amended FIG. 4 is simply a more formalized version of the originally filed version of Figure 4. Accordingly, no new matter has been added.